

The opinion in support of the decision being entered today was not written for publication
and is not binding precedent of the Board.

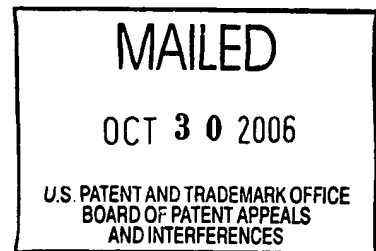
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MICHEL LE HIR and ALAIN JEUSSET

Appeal No. 2006-2500
Application No. 09/760,017

ON BRIEF



Before HAIRSTON, SAADAT, and HOMERE, Administrative Patent Judges.

HAIRSTON, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1, 4, 8, 9 and 11.

The disclosed invention relates to a motorized reduction gear that has a commutator on a shaft of a rotor. A magnetic ring for counting rotations of the rotor shaft is attached to an outer surface of the body of the commutator.

Claim 1 is the only independent claim on appeal, and it reads as follows:

1. A motorized reduction gear comprising:

a rotor provided with a rotor shaft bearing a commutator;

said commutator including a body having an inner surface mounted on said rotor shaft and an opposing outer surface;

a reduction gearbox containing a gearwheel engaged with a worm of said rotor shaft; and

a magnetic ring mounted on said rotor shaft so that a number of rotations of said rotor shaft can be counted, wherein said magnetic ring is attached on said opposing outer surface of said body of said commutator.

The references relied on by the examiner are:

Knappe	5,565,721	Oct. 15, 1996
Takeda et al. (Takeda) (UK Patent Application)	2 289 351	Nov. 15, 1995

Claims 1, 4, 8 and 9 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Takeda.

Claim 11 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Takeda in view of Knappe.

Reference is made to the briefs and the answer for the respective positions of the appellants and the examiner.

OPINION

We have carefully considered the entire record before us, and we will reverse the anticipation rejection of claims 1, 4, 8 and 9, and reverse the obviousness rejection of claim 11.

Takeda describes a tubular collar 21 on a rotor shaft 17 that supports both a commutator 20 and a magnet sensor 33 (Figure 1 and 9; pages 9, 10 and 28).

The examiner is of the opinion (answer, pages 4 through 6) that the tubular collar 21 is part of the commutator. Appellants argue (brief, page 4; reply brief, pages 1 and 2) that the collar 21 is not part of the commutator.

We agree with the appellants' argument that the commutator is attached to the tubular collar, but the tubular collar is not part of the body of the commutator. Thus, the anticipation rejection of claims 1, 4, 8 and 9 is reversed because the magnet sensor 33 is not attached on the "outer surface of said body of said commutator" as required by the claims on appeal.


The obviousness rejection of claim 11 is reversed because the teachings of Knappe fail to cure the noted shortcoming in the teachings of Takeda.

DECISION

The decision of the examiner rejecting claims 1, 4, 8 and 9 under 35 U.S.C. § 102(b) is reversed, and the decision of the examiner rejecting claim 11 under 35 U.S.C. § 103(a) is reversed.

REVERSED


KENNETH W. HAIRSTON
Administrative Patent Judge


MAHSHID D. SAADAT
Administrative Patent Judge

Jean R. Homere
JEAN R. HOMERE
Administrative Patent Judge

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CARLSON, GASKEY & OLDS, P.C.
400 WEST MAPLE ROAD SUITE 350
BIRMINGHAM, MI 48009